

MUS3619450.1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**SADIS & GOLDBERG, LLP,**

**Plaintiff,**

**vs.**

**AKSHITA BANERJEE AND SUMANTA  
BANERJEE,**

**Defendants.**

**CIVIL ACTION NO. 2:19-CV-01682-AJS**

**AFFIDAVIT OF KATE E. MCCARTHY**

I, KATE E. MCCARTHY, declare and state:

1. That I am over the age of eighteen (18) and am competent to testify to the matters stated here;
2. That I make this Affidavit based upon personal knowledge;
3. That I am an Associate at Meyer, Unkovic & Scott LLP representing the law firm of Sadis & Goldberg, LLP in the above-referenced case;
4. On December 31, 2019, Sadis & Goldberg filed a Complaint and Summons in the United States District Court for the Western District of Pennsylvania against Sumanta and Akshita Banerjee;
5. On January 6, 2020, my Legal Assistant, Debra Stewart, contacted Allegheny Process Services, LLC to effectuate service of the Complaint and Summons;
6. On January 10, 2020, my colleague Katelin Montgomery ("Attorney Montgomery"), another Associate at Meyer, Unkovic & Scott, received the attached email confirmation from Allegheny Process Servers, LLC indicating that Akshita Banerjee ("Mrs. Banerjee") was personally served the Summons and Complaint in this action—and accepted service on behalf of her husband Sumanta Banerjee ("Mr. Banerjee")—at her residence of 1514 Cook School Road, Pittsburgh, PA 15241 at 7:16 a.m. See email correspondence from Anthony DeMasi attached hereto as Exhibit A;

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7. On January 14, 2020, my firm filed Proofs of Service for both Mr. and Mrs. Banerjee, executed by Anthony DeMasi of Allegheny Process Servers, LLC. Dkt. Nos. 5-6. The executed Proofs of Service are attached hereto as Exhibits B and C.
8. On January 31, 2020 at 1:00 pm, the day that the Banerjees' Answer to the Complaint was due, Mrs. Banerjee called the Meyer, Unkovic & Scott office and left a voicemail for Attorney Montgomery regarding her receipt of the Complaint;
9. The voicemail message left by Mrs. Banerjee for Attorney Montgomery states as follows: "Hi Miss Montgomery, my name is Akshita Banerjee. I'm calling about action 19-1682. I'm wondering if you'd give me a call. My number is 203-501-0796." A copy of this voicemail message is available upon request;
10. Attorney Montgomery forwarded the voicemail to me, and I returned Mrs. Banerjee's call on the afternoon of January 31, 2020. A copy of the email forwarding me Mrs. Banerjee's voicemail is attached hereto as Exhibit D;
11. During that phone call, Mrs. Banerjee confirmed that she received the Complaint but informed me that her husband was out of the country and that they were not yet represented by counsel. She further requested that we agree to an extension of time for filing their Answer to the Complaint;
12. After consulting with Sadis & Goldberg, LLP, I called Mrs. Banerjee and agreed to a thirty-day extension and informed her that my firm would file a stipulation with the Court consenting to the extension;
13. That same day, Attorney Montgomery filed a Joint Stipulation for Extension of Time, but the Court denied the Stipulation. See Dkt. Nos. 8 and 9;
14. I informed the Banerjees by letter and email dated February 3, 2020 of the Court's order and explained that, as a courtesy, we would not request entry of a default judgment until February 13, 2020. Copies of the letter and the email are attached hereto as Exhibits E and F;
15. Thereafter, on February 19, 2020, I sent Mr. and Mrs. Banerjee a copy of Plaintiff's Request for Entry of Default via Federal Express, which was delivered to their residence at 1514 Cook School Road, Pittsburgh, PA 15241 on February 20, 2020 at 10:08 am. A copy of the Federal Express shipping confirmation is attached hereto as Exhibit G.

Nothing sayeth the Affiant further.

  
KATE E. MCCARTHY, Affiant

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Sworn and subscribed to before me  
this 23<sup>rd</sup> day of July, 2020.

Debra Ann Stewart  
Notary Public

Commonwealth of Pennsylvania - Notary Seal  
Debra Ann Stewart, Notary Public  
Allegheny County  
My commission expires September 7, 2023  
Commission number 1264537  
Member, Pennsylvania Association of Notaries